

**MINUTES OF THE ZONING BOARD PUBLIC
HEARING AND REGULAR MEETING, HELD
MONDAY, JULY 22, 2013, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CONNECTICUT 06901**

Present for the Board: Thomas Mills, Bill Morris, Rosanne McManus, Barry Michelson, Harry Parson and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Chairman Mills called the meeting to order at 7:06 p.m.

Mr. Parson moved to change the order of the agenda, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

OLD BUSINESS

1. **Application 211-03 –Walter Wheeler Drive SPE, LLC and the Strand/BRC Group, LLC, Block C5 at Pacific Street**, modification to Site Plans and CSPR in Block C5
(administrative review of architectural modifications).

Attorney John Freeman explained the approved North Elevation of C5 and the proposed architectural modifications.

Mr. Mills noted that there was a Cease & Desist in place and that Jim Minor was present to address this aspect.

Ms. McManus asked how the Cease & Desist was affected by allowing this architectural modification to move forward. Attorney Minor answered, it would have no effect. Mr. Michelson challenged this statement and asked Attorney Minor to explain. Attorney Minor read from the last page of the Cease & Desist explaining that it called for a replacement boatyard, but doesn't require it to be on the original site.

Mr. Michelson challenged the assertion by Attorney Minor that the Applicant had submitted a Plan for a Boatyard as required by the Cease & Desist and it would have no effect and, asked Attorney Minor to explain. Attorney Minor read paragraph 20 of the Cease & Desist, which states Harbor Point Development is out of compliance with the approved general development plan, and calls for a comprehensive site plan for a full service boatyard to be filed with the Zoning Board by June 29, 2012. Attorney Minor was also directed to paragraph 10 of the Cease & Desist, which refers to and reiterates Condition 7 of the Stamford Zoning Board approval recorded on the land records (Vol. 14118 page 0001; Map No. 14118). Attorney Minor argued that the Cease & Desist doesn't prevent minor changes to other approved buildings. Mr. Michelson asked about the status of the appeal of the Cease & Desist order. Attorney Minor said that it has been suspended by mutual agreement.

Mr. Mills polled the Zoning Board members of the proposed modification with the consensus of the members in favor of allowing the modifications to Block C5.

Ms. McManus moved to approve the architectural modifications to Block C5, seconded by Mr. Parson and approved 4 to 1 (Mills, Morris, McManus and Parson in favor, Michelson opposed because BLT will not in good faith withdraw their appeal of the Cease & Desist order).

Mr. Parson moved to return to the regular order of the agenda, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

PUBLIC HEARING

1. **Application 213-15 – Zoning Map Amendment – CCMCR HS 700 CANAL STREET, LLC; CCMCR HS 850 Canal Street, LLC; CCMCR HS 880 Canal Street LLC; CANAL STREET HARBOR SQUARE, LLC, 850 Canal Street,** to rezone approximately 1.72 acres from M-G to CW-D zone located at 850 Canal Street in Block No. 25 (see attached map).
2. **Application 213-16 – RICHARD W. REDNISS, Text change,** to Amend Article III, pertaining to the C-WD Coastal Water-Dependent District.
3. **Application 213-20 – CCMCR HS 700 CANAL STREET, LLC; CCMCR HS 850 CANAL STREET, LLC; CCMCR HS 880 CANAL LLC; CANAL STREET HARBOR SQUARE, LLC, Special Exception, Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review,** proposes to modify existing site plans at these locations.

Mr. Mills opened the Public Hearing on these three applications. Mr. Michelson read the Planning Board referral letter into the record.

Attorney William Hennessey, for the Applicant, explained that the Mercede family developed the four parcels; the current owner acquired the parcels by a “friendly foreclosure”. He explained the history of the CW-D zone was to protect and promote water dependent uses. The four properties are not currently being used for water dependent uses. Few physical changes are being proposed and he described each of the four buildings and lots. He explained that the cross-easements will be granted where parking extends over the property lines and he provided a copy of the draft easement.

Mr. Michelson asked the status of the marina and fuel dock. Attorney Hennessey said the fuel dock is inoperable and slips are vacant. The plan is to re-establish the marina when 800 Canal Street is rehabbed.

Attorney Hennessey passed out photos of the site and described plans to improve public access. In response to staff recommendations, the historic chimney and plaque on 700 Canal Street will be preserved. Attorney Hennessey passed out revised versions of the text amendment. He explained the changes were to limit retail uses to those allowed in an M-G zone; to require

studies to analyze parking reductions; and a new provision to not allow residential use if, under the Noise Ordinance, it would restrict the operation of a legal industrial use.

Richard Redniss presented the components of the text amendment which would allow residential use in a CW-D zone. He presented the proposed adaptive reuse standards and the parking plan. Mr. Morris asked why landscaping wasn't used or some protection of public access at 860 Canal Street. Mr. Redniss answered they can provide a temporary protection but the entire plan will probably change when new uses for the property are identified.

Mr. Mills called a brief recess at 9:00pm and resumed the regular meeting at 9:13pm.

Mr. Mills asked if anyone from the public wanted to comment.

Martin Levine, representing DSSD, read a letter dated July 22, 2013 in support but asking that only M-G retail uses be allowed.

Ms. Malone, representing 119-121 Towne Street, encouraged preservation of jobs in the area.

Wes Haynes, Historical Neighborhood Preservation Program, supported the preservation of the smoke stack. He noted the 700 Canal factory made linoleum. He approved of the flexibility of the regulation.

Attorney Hennessey noted they had addressed the DSSD concern. He described the noise standards and stated that three of the buildings will provide jobs and only 860 Canal Street has any potential for residential use.

Mr. Mills called for any Board questions; there were none.

Mr. Michelson moved to close the Public Hearing on these three applications, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

4. **Application 212-27 – Yale & Towne SPE, LLC (Y3)** - Re-open the Public Hearing to review additional information to relocate a garage entrance and reduce the number of proposed units from 257 to 252 in connection with approval of the following: 1) Final Site Plan and Architectural Plan approval for development on the block identified as Y3 below to construct 252 residential units, and 338 parking spaces, landscaping, drainage, roadway and utility improvements; and 2) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street, located entirely within the block bordered by Canal, Market, Pacific and Henry Streets, which property is zoned South End Redevelopment District, North (*continued from July 15, 2013*).
5. **Application 212-17 (A) Modification Yale & Towne SPE, LLC (Y1)** – approval of the following: 1) a modification to the approved General Development Plan concerning the development of Blocks Y1, Y3, Y7 and Y8, identified below, and 2) Coastal Site Plan approval, on a 20.35 acre site at 500 Pacific Street (*continued from July 15, 2013*).

Mr. Mills opened the Public Hearing on these two applications.

Attorney Freeman distributed draft conditions for Block Y3. He described the condition for Cultural Use, he discussed the Jitney bus service and the historic signage.

Mr. Mills called for any Board comments or questions; there were none.

Mr. Mills asked if anyone from the public wanted to comment.

Martin Levine, DSSD, asked that the Jitney routes be referred to as “downtown” and referred to the Josh Lecar memo at the end of the first sentence (of #2).

Attorney Peter Vargas noted that Fairway received no notice of the applications and Fairway does not consent to modifications of Block Y7. They asked that the hearing be adjourned until Fairway has an opportunity to review the applications.

Attorney Freeman said the GDP is a conceptual plan and doesn’t conflict with the Fairway lease. Mr. Cole agreed with Attorney Freeman and said that it was up to BLT to enter into leases with tenants even if the lease might prevent the full build-out of the GDP.

Mr. Mills noted the Board can’t get in the middle of tenants’ leases. Attorney Vargas said as a long-term tenant, they should receive notice of changes to the GDP.

Mr. Parson asked if the Board gave a week’s delay, could Fairway and BLT resolve this issue? Attorney Freeman said they’ve already been talking for more than a week and another week wasn’t going to help.

Mr. Mills said these two applications would be continued to the next meeting which is scheduled for Monday, July 29 at 7:00pm in the 4th floor Cafeteria.

REGULAR MEETING

Ms. McManus moved to change the order of the agenda, seconded by Mr. Morris and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

OLD BUSINESS

1. **Application 210-26 - HIGHVIEW AVENUE ASSOCIATES, INC.,** requesting Special Exception approval pursuant to Section 7.3, Special Exception Uses for Historic Buildings, to restore a one-family dwelling and construct two (2) additional dwelling units, for property located in the RM-1, Multiple Family Low Density Design District, at 172 Highview Avenue (*extension of time request*).

Mr. Morris moved to approve the request for a time extension, seconded by Mr. Parson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

2. **Applications 211-40 and 211-41 – TOLARI, LLC and TR HARDY, LLC, 57-59 Broad Street**, modification to Site Plans (*administrative review of architectural modifications*).

Attorney Cacace described the history of the project and that they've now secured an equity partner and construction financing. Attorney Cacace said State Code conflicts with updated Federal Standards involving a building code issue requiring a staircase be moved with no change to the exterior of the building. This modification request involves only interior adjustments and a reduction in 4 units. The parking ratio will also be improved.

Mr. Parson moved to approve the architectural modifications, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

3. **Application 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

William Buckley provided an update on the remediation of this site. 136,000 tons of material has been moved off-site. He summarized other progress.

Mr. Parson moved to return to the original agenda, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

APPROVAL OF MINUTES:

Minutes of June 24, 2013

After a brief discussion, Ms. McManus moved to approve the minutes as submitted. Mr. Morris seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, McManus, Michelson, Morris and Parson).

Minutes of July 1, 2013

After a brief discussion, Mr. Morris moved to approve the minutes as submitted. Mr. Parson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Gwozdzowski, Michelson, Morris and Parson) [Ms. Gwozdzowski was seated for Ms. McManus who had not attended the meeting and was not able to vote on the minutes].

Minutes of July 8, 2013

After a brief discussion, Mr. Michelson moved to approve the minutes as amended. Mr. Parson seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Gwozdzowski, Michelson, Morris and Parson) [Ms. Gwozdzowski was seated for Ms. McManus who had not attended the meeting and was not able to vote on the minutes].

Minutes of July 15, 2013

After a brief discussion, Ms. McManus moved to approve the minutes as amended. Ms. Gwozdzowski seconded the motion and it passed with the eligible members present voting, 4-0-1 (Mills, McManus, Michelson and Gwozdzowski in favor with Mr. Morris abstaining) [Ms.

Gwozdzowski was seated for Mr. Parson who had not attended the meeting and was not able to vote on the minutes].

ADJOURNMENT

Mr. Morris moved to table all remaining discussion and to adjourn, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Parson).

Mr. Mills adjourned the meeting at 11:05pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board